

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Carol L. Skinner

v.

Civil No. 09-cv-193-JL

Salem School District

ORDER

Before the court is Carol L. Skinner's amended complaint (doc. no. 5) with attachments, and her initial complaint (doc. no. 1), alleging violations of her rights under 42 U.S.C. §§ 12101-12213, the Americans with Disabilities Act ("ADA"). Skinner alleges that defendant, Salem School District ("District"), fired her in October 2006 because of a disability and in retaliation for her complaining to the District Superintendent about disability discrimination, in violation of the ADA. The matter is before me for a preliminary review to determine, among other things, whether the pleadings state any claim upon which relief might be granted. See 28 U.S.C. § 1915(e)(2)(B); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(1)(B) (magistrate judge directed to perform preliminary review of complaints filed in forma pauperis).

As explained in the Report and Recommendation issued this date, I construe the Complaint for all purposes to consist of

Skinner's initial complaint (doc. no. 1), her amended complaint (doc. no. 5), and the attached exhibits.

In the Report and Recommendation issued this date, I have recommended that Skinner's first and third claims, asserting disability discrimination and retaliation under ADA Titles I and IV, 42 U.S.C. §§ 12112(a) & 12203(a), be dismissed without prejudice. Skinner's second claim, asserting disability discrimination under Title II of the ADA, 42 U.S.C. § 12132, may proceed.

Therefore, I direct that the Complaint (doc. nos. 1 & 5) be served on defendant, along with copies of my Report and Recommendation, and this Order.

My review of the file indicates that Skinner has completed a summons for the defendant, Salem School District. The Clerk's office shall issue the summons against the defendant and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summons and copies of the Complaint (doc. nos. 1 & 5), the Report and Recommendation, and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon Salem School District. See Fed. R. Civ. P. 4(c)(3).

Defendant is instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Skinner is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendant by delivering or mailing the materials to it or its attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: September 8, 2009

cc: Carol Skinner, pro se